
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

LEHMAN BROTHERS HOLDINGS INC.,
a Delaware corporation,

Plaintiff,

v.

SECURITYNATIONAL MORTGAGE
COMPANY, a Utah corporation,

Defendant.

MEMORANDUM DECISION AND
ORDER ON LBHI'S MOTION IN LIMINE
NO. 3 AND SNMC'S MOTION IN
LIMINE NO. 3

Case No. 2:11-CV-519 TS

District Judge Ted Stewart

This matter is before the Court on Lehman Brothers Holdings Inc.'s ("LBHI") Motion in Limine No. 3 and SecurityNational Mortgage Company's ("SNMC") Motion in Limine No. 3. These Motions concern the Indemnification Agreement between SNMC and Lehman Brothers Bank, FSB ("LBB") and Aurora Loan Services LLC ("Aurora"). The Indemnification Agreement is the subject of a separate lawsuit between SNMC, LBB, and Aurora. LBHI is not a party to that suit. LBHI seeks to preclude SNMC from raising certain defenses based on the Indemnification Agreement. SNMC seeks to preclude LBHI from re-litigating the rulings issued in the case related to the Indemnification Agreement.

The Court has previously ruled that the Indemnification Agreement does not limit LBHI's ability to bring claims under the LPA and the Seller's Guide.¹ Based upon this previous ruling, the Court finds that the Indemnification Agreement is irrelevant to the issues to be decided by the jury in this case. Further, any limited probative value is substantially outweighed

¹ Docket No. 91.

by the danger of confusing the issues, misleading the jury, and wasting time.² Therefore, the Court will exclude all evidence and argument concerning the Indemnification Agreement. The same analysis holds true for the rulings in the case related to the Indemnification Agreement. Those rulings will not be admitted and should not be discussed by either party.

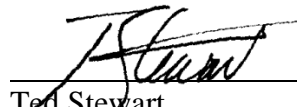
It is therefore

ORDERED that LBHI's Motion in Limine No. 3 (Docket No. 159) is GRANTED. It is further

ORDERED that SNMC's Motion in Limine No. 3 (Docket No. 162) is DENIED.

DATED this 8th day of December, 2016.

BY THE COURT:



Ted Stewart
United States District Judge

² Fed. R. Evid. 402, 403.